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Articles in Today's Clips Friday, March 21, 2008

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No cash to waste

Thursday, March 20, 2008

Cash-strapped Michigan can ill afford to lose millions because of public assistance payment mistakes and inefficiency. A report from the auditor general, released this month, recommends ways the Department of Human Services can address these issues. The report must not go unheeded. Lawmakers should see to that.

But that oversight has to come with a funding commitment to correct problems. There are no signs DHS's caseloads will get smaller in this economy. That makes it all the more imperative that money is appropriately disbursed.

The agency determines eligibility for public assistance. Approximately 75 percent of DHS's budget is federally funded. The budget for this fiscal year, which began in October, is \$4.57 billion, up from \$4.5 billion in 2006-07. The Auditor General reviewed DHS's client eligibility oversight and error identification/prevention for its welfare, food assistance, child day care and Medicaid programs from Oct. 1, 2001 to Sept. 30, 2006.

The report says DHS needs to improve payment accuracy because it was not effectively spotting and correcting errors regarding client eligibility. During the last fiscal year, eligibility errors led to food assistance and Medicaid payment mistake rates of 7.5 percent and 3.4 percent respectively. That's higher than the federally allowed 6 percent and 3 percent. According to auditors, in September 2006 the caseload for those two programs totaled 1.48 million households.

The state has already been sanctioned \$89.4 million by the U.S. Department of Agriculture from fiscal years 1995 through 2002 for its error rate with the Food Assistance Program. In lieu of penalty payments, the USDA generously allowed DHS to develop error identification and correction processes.

Among the auditor's recommendations is to develop and implement a process to improve payment accuracy. The agency's new computer system is supposed to help with accuracy, determining case eligibility and benefit amounts. The so-called "Bridges project" has been behind schedule but is expected to be piloted this summer.

Another key recommendation was for a caseload study to determine staffing levels needed for each of the 110 local offices. The agency has 2,240 payment assistance workers. Eighty-seven percent of office managers interviewed blamed low staffing and high caseloads as factors in payment mistakes.

DHS would need money for a study. But the bigger issue is the money required for staffing changes a study could reveal as necessary. The state does not have the money to immediately do everything. But lawmakers should recognize that funding this analysis can help begin longer-term budget planning.

Auditors reported that DHS processes food assistance applications too slow. If Michigan ranked among the top six states in timely turnarounds, instead of 45th, it could earn a \$1 million bonus from the USDA annually. Other recommendations included improving training and policy evaluation processes.

Overall, auditors reported DHS was doing a moderately effective job. But the spotlight has to be on improving caseworker efficiency and implementing a process for identifying and fixing errors that cost the state money. Lawmakers should make that their focus.



KALAMAZOO GAZETTE

Parents deny allegations of abuse in death of their daughter in fire

Friday, March 21, 2008

BY REX HALL JR.

rhall@kalamazoogazette.com

388-7784

CENTREVILLE -- The parents of a 16-year-old girl who was chained to her bed when she died in a fire at her family's house last month made a brief court appearance Thursday.

Attorneys for Anthony and Marsha Springer denied allegations contained in an abuse and neglect petition filed by the St. Joseph County Prosecutor's Office during the short session in the county's Probate courtroom, Chief Assistant Prosecutor Chuck Herman said. Herman said the parties will return to court for a pretrial hearing, but a date had not been set as of Thursday afternoon.

The petition alleges the Springers had a long history of confining their daughter, Calista, to her bed and that they had a pattern of isolating the girl from those who made reports to child-welfare workers. The court proceedings ultimately will determine the placement of Calista's sisters, ages 12 and 14, which could range from returning them to their parents to terminating the Springers' parental rights.

During a hearing in Probate Court earlier this month, Michigan State Police Trooper Trever Slater testified that following the Feb. 27 fire on West Burr Oak Street in Centreville, he saw Calista's body in the bed with a dog choke collar around her waist that was secured to the bed rail with a plastic tie.

State Police continue to investigate the fire and the circumstances that led the Springers to chain the girl to her bed.

While the cause of the fire is listed as undetermined, investigators have said they believe the blaze started near a vacuum cleaner Marsha Springer said she was using just prior to the blaze. Police have said they have no evidence the fire was intentionally set.

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STURGIS JOURNAL

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Parents plead not guilty

BY TERRY KATZ
STURGIS JOURNAL

CENTREVILLE - Anthony and Marsha Springer have pleaded not guilty to allegations in a child abuse/neglect petition regarding the death of 16-year-old Calista Springer in a Feb. 27 house fire.

Calista, who was found chained to a bunk bed in an upstairs room, died of smoke inhalation. She was wearing sweat pants and T-shirt but had no sheets, blankets or pillows on the bed. An autopsy revealed she weighed 91 pounds.

On Thursday, St. Joseph County Probate Court referee Terry Evans said that arraignment of the Springers lasted only a few minutes. The Springers waived the reading of the petition Thursday. Evans said the next step will be setting a pretrial date for the neglect/abuse petition. He explained that this was a civil case, not a criminal case. The proceedings could determine what happens to Calista's sisters.

The Springers lived in a house at 105 W. Burr Oak St. across from the St. Joseph County courthouse.

The fire started downstairs at 8:30 a.m. on Wednesday, Feb. 27. Marsha Springer, 37, the stepmother, said she was using a vacuum cleaner. Springer is legally blind and was the only one home with Calista. She escaped without harm.

Detective Lt. John Slenk of the Michigan State Police said at a hearing refereed by Evans last week that findings of the state's investigation will be forwarded to the county prosecutor's office to review for potential charges. In that hearing Evans ordered that Calista's sisters, ages 12 and 14, stay in temporary custody with relatives.

Investigators say the cause of the fire has been officially classified as undetermined. It started near the vacuum cleaner.

The Children's Protective Services had received calls in the past several years concerning the Springers. It is not known what action was taken by CPS.

Calista was described as a special needs child with emotional problems who was prone to wander at night.



Anthony and Marsha Springer leave the St. Joseph County courthouse Thursday morning with friends after pleading not guilty to allegations in a child abuse/neglect petition in a civil case. A pretrial date must now be set.

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Panel upholds life sentences for couple who assaulted girl

Friday, March 21, 2008

By Steven Hepker

shepker@citpat.com -- 768-4923

A Michigan Center couple who raped the woman's handicapped daughter will get no relief from their life sentences.

The Michigan Court of Appeals decided Wednesday it will not hear the appeal of April Kurtz. That followed a decision two weeks ago not to hear the appeal of Justin Howard.

Kurtz, 31, and Howard, 19, pleaded guilty in January 2007 to first-degree criminal sexual conduct. They were living together in August 2006 when they raped Kurtz's 11-year-old daughter.

Testimony indicated Kurtz sacrificed her daughter because she was on her period and Howard wanted to have sex.

She held the girl down and spread her legs while Howard raped the girl at least twice, prosecutors said. Kurtz told investigators she wanted to be part of her daughter's first sexual experience.

"I can't think of anything crueller," Circuit Judge Edward Grant said at sentencing. It was one of the few times Grant broke down on the bench.

Grant exceeded sentencing guidelines of 126 to 210 months because, he said, they did not reflect the fact that the victim has cerebral palsy, epilepsy and the intelligence of a 7-year-old.

Lawyers for Kurtz and Howard argued the life sentences were improper.

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Man, 26, held in assault of girl, 8

Friday, March 21, 2008

By **Danielle Quisenberry**

dquisenberry@citpat.com -- 768-4929

Police and prosecutors continue to assemble a case against a 26-year-old Vandercook Lake man accused of sexually assaulting his cousin, an 8-year-old girl.

Jackson County Chief Assistant Prosecutor Mark Blumer said the man, arrested Monday, is being held by the Michigan Department of Corrections on a parole violation, which buys investigators more time.

“We are using the time to tie up some loose ends,” Blumer said.

He said his office is waiting on lab reports and some other information. Jackson County Sheriff's Capt. Kevin Stellingworth said detectives had to interview the girl and collect the results of her physical examination.

The man, who is on parole, is accused of sexually assaulting his cousin's daughter in the girl's bedroom.

He had run into her parents at a Summit Township bar on St. Patrick's Day and they allowed him to spend the night at their home, police said.

The girl's mother caught the man in the act early Monday, according to a Sheriff's Office press release.

Blumer said he was not certain at this point what charge or charges the man will face. He likely will be arraigned in the next few weeks, Blumer said.

The man spent time in prison for fleeing a police officer and malicious destruction of fire or police property, according to the Corrections Department.

He also was convicted in 2001 of fourth-degree criminal sexual conduct.

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3 testify classroom was occupied

Educators contradict Perry accusers

BY L.L. BRASIER and JOHN WISELY • FREE PRESS STAFF WRITERS • March 21, 2008

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Three more educators testified Thursday in Oakland County Circuit Court that an allegedly empty classroom where two boys say they were raped was actually occupied by students and adults throughout the school day, countering assertions made by the prosecution.

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Two teaching aides and a former student teacher testified during the sexual assault retrial of former Oak Park kindergarten teacher James Perry. Perry is accused of dragging two boys -- then 4 and 5 -- out of a lunchroom line and into a special-education classroom and raping them in 2005.

Where the alleged acts took place is crucial to the prosecution's case because the two boys have insisted they were attacked in an empty room at the end of the hallway that had a distinctive red couch -- the special-education room is the only room that fits that description. One boy's mother testified she found her son emerging from the room before she learned of his assault allegation.

"There was always supervisors of the kids that brought their lunch," former student teacher Briggette White testified. She worked in the classroom -- Room 101 -- at Key Elementary School in Oak Park during the 2005-06 school year.

"We serviced kids from kindergarten through grade five, so they all had different lunch periods," Denise Kallan, an aide who sometimes subbed in the room, testified. "There were always students" in the room "because they were all grade levels."

During cross-examination, Oakland County Assistant Prosecutor Andrea Dean did get White to acknowledge that the red couch is not visible from the hallway because of a coatrack that blocks a view of the room from the doorway, so the boys would had to have been in the classroom to know about it.

"You would have to walk in further to see that," White testified.

An Oakland County jury convicted Perry of the rapes in September 2006, but Judge Denise Langford Morris threw out the conviction saying it would be a miscarriage of justice to allow it to stand. The judge's ruling came after new witnesses who weren't interviewed by police before the first trial swore that the room was full throughout the school day.

Prosecutors say the room was vacant for lunch during the attacks, but the room's regular teacher, Clara Geary, testified Wednesday that it was in use throughout the day. Some children may have left for special classes or other reasons, but because the room served children from kindergarten through fifth grade, others always remained with a teacher or an aide, she testified.

Terry Day, the room's regular aide, testified Thursday that some students in the room had behavioral problems and couldn't be allowed to go to the lunchroom. Other students had autistic tendencies and couldn't take the noise of the lunchroom, so they also ate in the room.

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Assistant Prosecutor Dean noted repeatedly that the school had a lunch schedule that was ordered by principal Brenda Snow, who several school employees acknowledged was a stickler for rules.

But Day said Room 101 didn't follow the schedule because of the nature of the children it served.

Also Thursday, Deborah Poole, a child psychology professor at Central Michigan University and an expert on the suggestibility of children, said young children can easily provide false memories -- even those of sexual assaults -- if repeatedly questioned by adults. Police reports show the mothers of the two boys questioned them about the incident. And one of the mothers drew up a list of alleged abuses for the child to sign, according to police reports.

"What the research shows is that we can get children to say their bodies have been harmed when they haven't," she said, noting that such questioning is often done by well intentioned parents.

Contact **L.L. BRASIER** at 248-858-2262 or brasier@freepress.com.

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Defense witnesses: Alleged molestation room always occupied

By SHAUN BYRON
Of The Oakland Press

Could accused kindergarten teacher James Perry have molested two boys in a room that staff members say was never empty?

That could be a question jurors ask themselves after hearing from two former staff members and a former student teacher of Oak Park's Key Elementary School, who testified Thursday in Oakland County Circuit Court that the classroom where the alleged sexual act took place was never unoccupied.

Perry is accused of snatching two boys, ages 4 and 5, out of a lunch line at the elementary school in October 2005 and sexually assaulting them in a special education room.

He was convicted, but Oakland County Circuit Judge Denise Langford-Morris ordered the new trial when it was discovered there were potentially important witnesses never interviewed by detectives.

Defense attorney Mitchell Ribitwer said it is a possibility Perry, 34, may take the stand today.

Two people who worked in neighboring classrooms and a third who worked in the special education room where the alleged assault took place testified an adult and children were in the room at all times during the lunch period.

All three told the court they were not approached by investigators when the initial investigation began.

A former student teacher at the elementary school told the court that children who brought their lunches were escorted to the cafeteria and back to the classroom.

The remaining children, she said, stayed behind with an adult there to watch them eat the lunches they brought from home.

"There were some kids that were in the room the entire day," she said.

Taking the entire class of children into the lunchroom wasn't possible, said Terry Day, who was assigned to the classroom in 2005 to work with children in the school's special education program.

Day told the court that many of the children had behavioral problems, making it difficult to control them as a group.

He said others had forms of autism, and taking them to a noisy cafeteria was too hard for them because of their disability, which makes them sensitive to noise.

"It was easier than to take them all down there," he said. "They'd all start arguing at the drop of a hat."

One student, Day told the court, had such severe behavioral problems that he needed constant supervision and had limited opportunities to leave the classroom.

"We couldn't even trust him to go to the lunchroom," he said.

Oakland County Assistant Prosecutor Andrea Dean questioned two of the staff members, who testified about their working relationship with the school's principal.

Day said he wasn't happy with some of the principal's methods of running the school, while the other staff member told the court few people wanted to work in the building because of the principal.

Dean also questioned the two staff members about a large clothing rack that divided the room and if it could possibly block the view of adults and children.

One of the staff members testified she could see over it and that feet were visible from the bottom.

However, the staff member also testified she was not at the school because of a personal matter when the alleged sexual assault took place.

Day testified it is possible the rack could have blocked his view. Testimony is expected to resume today in Oakland County Circuit Court.

Contact staff writer Shaun Byron at (248) 745-4685 or shaun.byron@oakpress.com.

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JAMES PERRY TRIAL

Former teacher denies sexually assaulting boys in testimony

By L.L. BRASIER • FREE PRESS STAFF WRITER • March 21, 2008

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Updated at 1:15 p.m.

James Perry took the witness stand this morning and denied he sexually assaulted two boys in a special ed room at Key Elementary School in Oak Park.

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His denial was consistent with his testimony in his first trial. Defense attorney Mitchell Ribitwer listed each of the four counts against Perry, rape and molestation, and asked Perry if he committed such acts.

"No, I did not," Perry said emphatically to each count.

The defense is expected to rest today. Under 30 minutes of cross-examination assistant prosecutor Andrea Dean asked him repeatedly if he touched the boys.

"No, m'am, I did not," Perry said, before turning toward the jury for her final accusation and saying "I did not do it."

Dean got Perry to acknowledge that he had been in the special education room twice, once to bring a student there to use the bathroom in that class and another time with two other teachers to discuss an after-school event. Perry said he didn't have a specific recollection of the way the room looked and denied ever being on a distinctive red couch inside the room, where they boys claim the assaults happened.

Throughout the questioning Perry talked slowly, sipping water occasionally. At one point, Perry evoked a laugh from the jury when Ribitwer asked if he had discussed his case with his cellmates at the Oakland County Jail, one of whom testified for the prosecution. Ribitwer asked Perry if followed his previous lawyers instructions to not discuss his case with inmates.

"Yes, I always listen to counsel," Perry said to juror laughter.

Closing arguments are expected Monday.

Perry's testimony marks the end of two weeks of trial in Oakland County Circuit Court in which the two boys, who were 4 and 5 at the time of the alleged attacks, took the stand and told jurors Perry forced oral sex on them in a room with a red couch, since identified by Dean as the special ed room.

The children, now 6 and 7, again told conflicting stories. The 6-year-old, for the first time, said Perry took them out of a cafeteria. The 7-year-old said they were taken out of a supervised line in the hallway and, contrary to earlier statements, insisted that he was alone with Perry when attacked.

Former teacher denies sexually assaulting boys in testimony

In earlier statements they also have claimed that it didn't happen, that they were sodomized and tied up, that Perry poured orange juice on them, and that he wore camouflage glasses during the attack.

Defense witness Deborah Poole, a child psychologist at Central Michigan University and national expert on children's memory development, testified this morning. Poole, who has been hired by Perry's attorneys, reviewed the many statements the boys made over the course of several months.

"They're incredulous," Poole told jurors, likening the case to several day care cases in the early 1990s, when dozens of children made similar claims that turned out false. "These are just fantastic claims made by these boys."

Poole, who has been studying children's testimony and cases of false memory for 30 years, testified that mothers will often inadvertently influence their children in the way they question them and said there was evidence in the police reports and courtroom transcripts that the boys' mothers had done so in the Perry case.

"This is a very unusual case because there is so much documentation of maternal influence," Poole said.

Dean asked Poole, under cross-examination, how mothers should question children they suspect may have been abused. Poole replied that adults should limit their questioning until they can confirm initial facts of the allegations.

This is Perry's second trial. He was convicted in 2006, but Oakland County Circuit Court Judge Denise Langford Morris threw that conviction out after learning that police never interviewed the three adults assigned to the special education room.

In testimony earlier this week, all three of those adults, a teacher and two aides, told jurors the room was always occupied at lunch and that the assaults could not have happened there.

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Legislation addresses children left alone in a car

Thursday, March 20, 2008 9:37 AM EDT

LANSING - Law enforcement would have more authority and resources to arrest and charge a person who leaves a child alone in a car under legislation that passed the Senate Wednesday, said Sen. Ron Jelinek, sponsor of the measures.

"We have seen too many cases where young children are left for hours in a hot car while their parent gets their hair done or goes shopping, but the parent has not been charged for neglect due to a loophole in state law," said Jelinek, R-Three Oaks.

"These bills will address that issue to insure someone who endangers a child is justly prosecuted."

Senate Bill 158 would prohibit someone from "knowingly or intentionally committing an act that the person knows or should know is likely to cause physical harm to a child." Not having this language in the law has resulted in cases where an individual could not be arrested or charged for leaving their child alone in a vehicle because there was nothing in state law to charge them with, regardless of how outrageous the actions appeared.

Senate Bill 760 adds sentencing guidelines for committing these crimes. The bills now go to the House of Representatives for consideration.



Muskegon Chronicle

Teens in court on burglary charges

Friday, March 21, 2008

FROM LOCAL REPORTS

MUSKEGON COUNTY -- The case against one of four teenage suspects in a Feb. 26 breaking and entering at a Muskegon home has been concluded in Family Court.

Two other teens who were charged in adult court recently waived their preliminary examinations. The case against a second teen charged as a juvenile still is pending in Family Court.

Muskegon police reported that neighbors saw four teens on the deck and inside of a home at 1083 Washington around 1:30 p.m.

A neighbor was trying to hold onto one of the suspects as police arrived and was bitten on the finger, a report said.

All of the suspects were caught after being pursued through the surrounding neighborhood. Police said the suspects had unplugged electronics inside the home in preparation for removal.

Domontae M. Evans, of 1734 Fifth, and Jeremy M. Wright, of 1649 Seventh, both 17, waived 60th District Court preliminary examinations on second-degree home invasion charges and were bound over to 14th Circuit Court for trial.

The case against Travis Lee Henderson, 14, of 1760 Fifth, was adjudicated March 14 at his preliminary hearing in Family Court. He was charged with first-degree home invasion and resisting and obstructing police.

A court official said Henderson was placed on intensive probation and also must spend four weekends in the Muskegon County Juvenile Detention Center. He also must participate in Balanced and Restorative Justice programming, cooperate with a substance abuse assessment and abide by a 9 p.m. curfew.

The fourth teen, 15-year-old Rishawn Srother, of 1640 Seventh, was charged March 10 at a Family court preliminary hearing with first-degree home invasion, resisting and obstructing police and assault and battery.

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THE ANN ARBOR NEWS

Boy, 11, gets probation in Howell school bus sex assault

Drug, alcohol testing ordered for family

Friday, March 21, 2008

BY TOM TOLEN

The Livingston Community News

An 11-year-old boy involved in a sexual assault against another boy aboard a Howell Public Schools bus was placed on two years probation earlier this week.

He and his parents appeared for a dispositional hearing Monday, where Livingston County Probate Court Judge Carol Hackett Garagiola ordered the family to undergo random drug and alcohol testing. They were also ordered to have counseling, and the boy may not be alone with other children under 13.

The boy had earlier pleaded guilty to a charge of gross indecency between males, in exchange for dropping charges of first- and second-degree criminal sexual conduct.

A 10-year-old boy also charged with criminal sexual conduct in the case has maintained his innocence and may go to trial next month.

Livingston County Prosecutor David Morse said his office never approached the case with the intention of seeking punitive action, but rather wanted to ensure the boy and his family received appropriate help. He added that the incident was more about bullying than a sexual assault.

"There was no question it was sexual in nature, but the evaluation found it was not predatory," Morse said. "The sexual activity was more of bullying, or exploring, or experimentation (and we felt) there was a low likelihood of reoffending."

In the May 2007 incident, a 7-year-old Howell elementary school student was assaulted by the two older boys, ages 9 and 11 at the time.

Morse said while the victim and his family have suffered as a result, so have the other boys and their families. "This has been traumatic for everyone," he said.

The prosecutor said he agrees with the random drug and alcohol testing order, although he emphasized there is no evidence the boy was using drugs or alcohol. "Alcohol or drugs can exacerbate a situation, and we feel this (testing) will decrease the likelihood of that happening," he said.

An order for the family to make arrangements for the boy's return to school, with supervision, also was part of the disposition. However, Howell Acting Superintendent Lynn Parrish said that to her knowledge, the boy, now a middle-school student, already is back in class. "A safety plan is in place, (but) the larger issue is how much school he missed," she said.

Parrish added the family has requested that no information on the boy be released, in accordance with the Family Educational Rights and Privacy Act.

Tom Tolen can be reached at ttolen@livingstoncommunitynews.com or at 810-844-2009.

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Slain woman feared husband Shelby Township

Wife sought protection order 9 days before murder-suicide

BY AMBER HUNT • FREE PRESS STAFF WRITER • March 21, 2008

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Maria Djelaj's note was prophetic: "I'm afraid he is going to kill me."

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She scrawled those words on a request for a personal protection order March 10. Nine days later, she was dead, shot and killed by the man she feared -- her husband.

Djerdj Djelaj, 46, gunned down his wife while the two sat in a parking lot at St. Therese of Lisieux Catholic Church, Shelby Township Police Detective Terry Hogan said. Djelaj then turned the gun on himself.

Before he did, police said, he called the couple's two adult children and said good-bye. The young adults -- one turned 18 recently -- found their parents' bodies and called 911.

"Sadly, I'm not surprised," said Roberta Sarkis, the Mt. Clemens lawyer who was representing Maria Djelaj in her divorce.

Sarkis appeared in court March 10 with Maria Djelaj, 38, and her father, Kola Gjola. Both filed for protection orders after the hearing, on Sarkis' advice.

In the request, Maria Djelaj wrote of a Sept. 16 incident that resulted in a domestic violence charge against her husband of 21 years, but a district judge acquitted him in December.

She also said that on March 4, her husband "came straight in my face and said I will break every bone in your body," she wrote in the petition.

And she said that on June 30, he beat her so severely she needed stitches in her head.

"Over the years, he has threatened me and my children," she wrote.

Her father, in a separate request, wrote that on March 10 his son-in-law said: "From today on wherever you are I will find you and kill you."

The protection order requests were denied the next day by Circuit Judge Antonio Viviano, who was set to handle the couple's divorce trial in May.

Court officials said neither Gjola nor his daughter told Viviano in person that they feared for their safety, and the acrimony was so intense that Viviano ordered the two sides not to bad-mouth each other in front of their four children, two of whom are minors.

That isn't the couple Hana Lulgjuraj said she knew. The Oakland County paralegal knew the couple because of their shared Albanian heritage

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Slain woman feared husband Shelby Township

and worked with them in 2002 on a civil claim stemming from a car accident.

"They appeared to be a very happy couple," Lulgjuraj said. "She was happy and full of life. It's devastating."

Contact **AMBER HUNT** at 586-469-4682 or alhunt@freepress.com.

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Friday, March 21, 2008

Shelby Township

Denied protection order, wife found shot to death Judge rejected request for restraining order against husband by woman killed in murder-suicide.

Christina Stolarz / The Detroit News

SHELBY TOWNSHIP -- On March 10, just hours after appearing in court with her husband for a divorce hearing, Maria Djelaj filed court papers seeking a restraining order against him.

"He came straight in my face and said, 'I will break every bone in your body,' " she wrote in the request for the personal protection order.

The request was denied by Circuit Court Judge Antonio Viviano a day later, in part because Djelaj did not raise the issue during the hearing that had just occurred, county officials say.

Nine days later, she was dead -- shot by her husband, Djerdj Djelaj, who then turned the gun on himself. The couple, who had four children, were found in a Chrysler minivan behind St. Therese of Lisieux Catholic Church on Schoenherr north of 21 Mile.

"It is a tragedy and it's sad that this couldn't be resolved through the court system," said Roberta Sarkis, Maria's divorce attorney. Macomb County Medical Examiner Dr. Daniel Spitz confirmed Thursday that it was a murder-suicide; there was no evidence of a physical altercation.

The toxicology report is due back in about 10 days.

Maria Djelaj, 38, died from two gunshot wounds -- one to the head and one to the chest -- from a 9 mm handgun.

Djerdj Djelaj, 47, was found -- still breathing -- in the driver's seat with a self-inflicted gunshot wound to the head. He died early Thursday morning at Henry Ford Macomb Hospital in Clinton Township.

Viviano could not be reached for comment Thursday. But county spokesman Phil Frame said Viviano did not grant the protection order because it had not been mentioned at the divorce hearing and there did not appear to be a need to act on it immediately.

"A lot of times (personal protection orders) are granted after a hearing. That would have been a good chance to raise that issue," he said. It's not clear whether the order would have made a difference, said Carmen Wargel, director of community development for the Mount Clemens-based nonprofit Turning Point, which supports domestic violence victims.

Turning Point's office for personal protection orders served 2,500 people in 2007, Wargel said. About 58 percent of the county's domestic orders were denied last year, she said. "Judges sometimes, they don't feel the PPO meets the standard for the law," she said. "They feel they need to have a higher standard for restricting someone's rights."

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Victim sought protection

Judge denied request; police say husband then killed wife

By Frank DeFrank
Macomb Daily Staff Writer

A woman shot and killed by her husband in the parking lot of a Shelby Township church had unsuccessfully sought a personal protection order just nine days before she was killed because, she told court officials, "I'm afraid he's going to kill me."

Maria Djelaj, 38, was shot to death Wednesday in what Shelby Township police have determined was a murder-suicide. Djelaj's accused killer, her estranged husband, Djerdj Djelaj, 47, took his own life. The couple were in the process of a divorce, and Djelaj previously had been acquitted during a court trial on a domestic violence-related charge.

"I'm afraid he is going to kill me," Maria wrote in her petition for a personal protection order, filed March 10, 2008 in Macomb County Circuit Court.

Maria also highlighted other occasions during which her husband "beat" and "threatened" her.

The petition was for an "ex parte" order, meaning it would have to be granted without the knowledge of Maria's husband. According to court records, Judge Antonio Viviano denied the request because, "The allegations in the petition do not provide reasonable cause to believe immediate and irreparable injury will occur if an ex parte order is issued without a hearing."

Viviano also advised the woman she could request a hearing for a protection order within 21 days.

The request for a protection order wasn't the first time the couple's rocky marriage wound up in court. Djelaj was acquitted on a domestic violence charge earlier this year in Shelby Township's 41A District Court, said Phil Frame, a spokesman for Macomb County.

About 7:40 p.m. Wednesday, Shelby Township police Chief Robert Leman said a man telephoned Shelby Township to report his brother was about to kill his wife and himself. When police responded and found the couple in a minivan, she was dead and he was mortally wounded. Djelaj died later after emergency personnel transported him to a hospital.

"(The caller said) his brother had either killed or was going to kill his wife and himself," Leman said.

The brother told police Djelaj was near a church in the vicinity of 21 Mile Road and Patterson. Officers were dispatched to St. Therese of Lisieux Catholic Church, located along Schoenherr Road near Patterson Street.

"We put two and two together and responded there," Leman said.

When officers arrived, they found a minivan in a back section of the church parking lot. Inside, officers found the deceased woman and the wounded man.

Following additional conversations with family members, Leman said he learned Djelaj and his wife were Shelby Township residents, but had separated. The couple, married in 1986,

had four children.

The chief also said officers were called to the couple's home on a domestic violence call at least once in 2007.

"They had some domestic problems," Leman said.

Djelaj's choice to pull into the parking lot at St. Therese of Lisieux may not have been coincidental. Leman said the couple, although not members, had attended the church on occasion.

Linda Maccarone, church administrator, arrived at St. Lisieux shortly after police were summoned. She said initial media reports that a service was in progress and interrupted by the shootings were inaccurate.

"There were people in the church," said Maccarone. "There was a meeting going on ... But nobody really heard anything."

Maccarone also said a funeral for Maria Djelaj is scheduled for 10 a.m. Monday at the church.

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http://www.macombdaily.com/stories/032108/loc_local02.shtml



Some of victim's remarks allowed in Dawson trial

Friday, March 21, 2008

By Barton Deiters

The Grand Rapids Press

ROCKFORD -- At first, 63rd District Judge Steven Servaas was not going to allow Julia Dawson's alleged statements using some colorful epithets to describe her husband, Timothy, who stands accused of her 2004 murder.

But after hearing arguments from Timothy Dawson's attorney, Judy Bregman, and Assistant Attorney General William Rollstin, the judge decided the profanity could be valuable for determining Julia Dawson's state of mind toward her husband.

The attorneys were in court Thursday to argue whether a series of statements and allegations that witnesses recounted hearing from Julia Dawson should play a part in Timothy Dawson's preliminary hearing next week.

In that hearing, the judge will determine whether there is enough evidence against the 31-year-old to send his first-degree murder case to trial in Kent County Circuit Court.

Among the evidence Servaas decided to allow is Julia Dawson's alleged statement to her mother three days before her Dec. 11, 2004, disappearance in which she said, "Get my room ready, because I'm coming home."

She allegedly described her husband as a "raving lunatic" and said she felt empowered by her decision to leave him, according to Tammy Keenan, Julia Dawson's mother, who is expected to testify in the hearing scheduled for Monday and Tuesday.

However, statements Julia Dawson, 23, allegedly made to co-workers about being thrown against walls, onto a bed and having red marks after being grabbed by the neck will not be heard, Servaas ruled, saying they were not allowable under Michigan's hearsay laws.

Also not allowed are statements from Timothy Dawson's first wife, Amy Hinkley, who alleged domestic violence against Dawson, of which he was convicted in 2000 in Ottawa County.

Bregman plans to introduce evidence Timothy and Julia Dawson were not in an acrimonious marriage based on notes allegedly left by the victim prior to her death. Those notes allegedly show Julia Dawson was excited about exchanging gifts with the accused and said she loved him.

Bregman argued against allowing most of the statements quoted by Rollstin, saying they were too old, too prejudicial or not exempt from the law that keeps most hearsay statements out of court.

Julia Dawson's body was found 22 days after her disappearance from the couple's Sparta home. Authorities believe Timothy Dawson strangled his wife with a belt, then dumped her body.

Six months after the slaying, Dawson and the couple's young son left for Texas, where he said he remarried. Detectives, who built a largely circumstantial case, arrested Dawson earlier this year.

Police have tied Dawson's cell phone records to towers near where his wife's body was found, despite his contention he never drove in that area while searching for his missing wife.

Police believe Dawson killed his wife because she planned to leave him.

Send e-mail to the author: bdeiters@grpress.com

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Article published Mar 20, 2008

Woman charged with first-degree murder in fatal fall of mother, 82

By Alex Lundberg
OBSERVER STAFF WRITER

A Livonia woman was charged with first-degree murder in connection with the death of her elderly mother, following the woman's fatal fall down a flight of steps in her home on Hartel late last week.

Mary Beth Connolly, 49, of Livonia was arraigned on a charge by 16th District Judge Robert Brzezinski Tuesday afternoon. Bond was refused in the case and she will remain in the Wayne County Jail pending a Thursday, March 27, preliminary exam.

Connolly has been in the custody of the Livonia police since Friday.

According to Livonia police reports, officers got a call about the death from the Canton Township police department.

"The daughter called her brother in Canton and he called the Canton police," Lt. Greg Winn said. "The story was that the mother had fallen down a flight of stairs and had died."

During the arraignment, Livonia police Detective Michael Mockeridge said Connolly confessed to pushing her mother.

The woman, 82-year-old Betty Connolly, had a history of serious medical concerns and used a walker to get around, police reported.

The police report said the daughter had apparently attempted suicide that morning before being arrested and was treated at several area hospitals before being released to police.

From: Colleen Steinman <steinmac@MICHIGAN.GOV>
To: <DHS-PRESSRELEASES@LISTSERV.MICHIGAN.GOV>
Date: 3/20/2008 1:43:06 PM
Subject: Michigan Heart Gallery 2008 Exhibit in Port Huron

Michigan Department of Human Services News Release

Contact: Jan Berry (517) 373-7394 or
Michigan Adoption Resource Exchange
Regina Funkhouser, Michigan Heart Gallery Coordinator (800) 589-6273

Michigan Heart Gallery 2008 Exhibit in Port Huron
Exhibit helps find adoptive families for foster children

March 20, 2008

WHAT

The 2008 Michigan Heart Gallery, a touring photographic exhibit featuring stirring portraits of 60 Michigan foster children who are waiting to be adopted, is on display at the Birchwood Mall in Port Huron now through April 10. The photographs in the Heart Gallery were taken by more than 40 professional photographers who donated their time, talent and resources to take the pictures that help capture the spirit of the children in the foster care system.

The Michigan Heart Gallery is a collaborative effort between the Michigan Adoption Resource Exchange, the Adoptive Family Support Network and the Michigan Department of Human Services. Today, in Michigan, there are more than 4,000 children without families. Recruitment activities such as the Heart Gallery remind people that there are many children in Michigan who are waiting to be adopted into a loving and caring home.

WHEN

Now through April 10, 2008

WHERE

Birchwood Mall, 4350 24th Avenue, Fort Gratiot, Mich.

Ten Things you should know:

1. At any given time there are about 4,000 children in Michigan's foster care system who are available and waiting to be adopted.
2. Last year in Michigan almost 2,600 children were adopted through Michigan's foster care system.
3. Most families who adopt are also licensed foster parents or relatives. In fact, last year in Michigan, 93 percent of children adopted from the foster care system were adopted by a foster parent or relative.
4. All adoptive families must go through a family assessment process that includes an education component, background checks, and an exploration of the family's interest in adopting.
5. Because the needs of each child are different, many different types of families are needed. You don't have to be married to adopt, and you don't need to be wealthy or own your own home.
6. Many of the children waiting for adoption are school-age or older, may need to be adopted along with siblings, or may have special placement needs.

7. About 500 Michigan children between the ages of 18 and 21 transition or "age out" of the foster care system annually. Studies of youths who have left foster care without being adopted have shown they are more likely than those in the general population to not finish high school, be unemployed, and be dependent on public assistance. Many find themselves in prison, homeless, or becoming parents at an early age.

8. The Michigan Adoption Resource Exchange is an information and referral program that can help answer some of your questions about adoption. Contact us at (800) 589-6273 or visit our Web site at www.mare.org

9. The Heart Gallery is a project of the Michigan Adoption Resource Exchange. It is our hope the Michigan Heart Gallery will inspire prospective parents to adopt an older child so these children can become part of a loving family and have a chance for a brighter, happier future.

10. Consider fostering, adopting or mentoring a waiting child!